

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
AKRON DIVISION

In re:) BANKRUPTCY CASE NO. 11-50004
) Chapter 13
JOSEPH J. DESTRO and)
DEBRA J. DESTRO)
)
Debtors) **MOTION OF CREDITOR TO FILE**
) **PROOF OF CLAIM**
)
)

Now comes Inland Commercial Property Management, by and through undersigned counsel, and respectfully requests that this Court grant it leave to file a proof of claim instanter. The reasons for this motion are set forth more fully in the memorandum attached hereto and incorporated by reference herein.

Respectfully submitted,

/s/ John R. Christie

John R. Christie (#0067570)

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MEMORANDUM IN SUPPORT

On or about January 3, 2011, the Debtors, Joseph J. Destro and Debra J. Destro, filed a Chapter 13 bankruptcy. Sometime thereafter, this Creditor received notice of the same. Said notice did not include information as to dates and deadlines concerning the filing of a proof of claim but did provide some notice to Inland relative to the Debtors' filing and status.

After reviewing the accounts involved, the amounts involved, and the status, Inland determined that it should proceed with a proof of claim filing.

At that time, Inland checked the Court's Pacer Docket and determined that the deadline for the proof of claim had already passed.

Prior to reviewing the docket, Inland had not received any other notices relative to this filing; and as such, it was not aware of the proof of claim deadline.

Pursuant to the case law set forth in *Pioneer Investment Services Company v. Brunswick Associate Limited Partnership*, 507 U.S. 308 (1993), Inland's conduct falls well within the "excusable neglect" standard. Further, under the case law set forth above, this Court is authorized to accept this late filing as there will be no prejudice to any of the parties and the conduct of Inland is excusable and well within the exceptions set forth by the federal law.

For all of the above reasons, Creditor, Inland Commercial Property Management, respectfully requests that this Court grant it leave to file its proof of claim after the bar date and accept the same filing instant.

Respectfully submitted,

/s/ John R. Christie

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was filed electronically on the 15th day of June, 2011, in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

/s/ John R. Christie

John R. Christie (#0067570)

Attorney for Creditor, Inland Commercial
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